

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

VERONICA L. WHITTY,

Plaintiff,

v.

CAROLYN W. COLVIN, Commissioner
of Social Security,

Defendant.

CASE NO. C12-5314 RJB

ORDER DENYING PLAINTIFF'S
MOTION FOR ATTORNEY'S FEES
AND EXPENSES PURSUANT TO 28
U.S.C. §2412

This matter comes before the court on the Report and Recommendation of United States Magistrate Judge Karen L. Strombom (Dkt. 15) that Plaintiff's Motion for Attorney's Fees and Expenses Pursuant to 28 U.S.C. §2412 (Dkt. 13) be denied. The court has considered the relevant documents and the remainder of the file herein.

On January 31, 2013, Magistrate Judge Strombom issued a Report and Recommendation, recommending that the court deny plaintiff's Motion for Attorney's Fees and Expenses, because plaintiff's application was untimely. Dkt. 15. The Report and Recommendation finds that plaintiff's motion for EAJA attorney's fees was untimely because (1) the court's final appealable

1 order was the Order Adopting Report and Recommendation (Dkt. 11), entered on October 3,
2 2012; (2) the entry of judgment occurred on March 2, 2013, 150 days later; (3) plaintiff had 90
3 days from March 2, 2013 to file an application under the EAJA, or until May 31, 2013; and (4)
4 plaintiff did not file her application for attorney's fees until December 20, 2013. *Id.* at 2–3.

5 The parties were given 14 days to file objections. *Id.* at 3. As of February 14, 2014,
6 neither party filed objections.

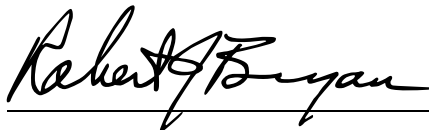
7 The Court, having reviewed the Report and Recommendation of United States Magistrate
8 Judge Karen L. Strombom, and the remaining record, does hereby find and **ORDER**:

9 1. The Report and Recommendation (Dkt. 15) is **ADOPTED**.

10 2. Plaintiff's Motion for Attorney's Fees and Expenses Pursuant to 28 U.S.C. §2412
11 (Dkt. 13) is **DENIED**.

12 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
13 to any party appearing *pro se* at said party's last known address.

14 Dated this 19th day of February, 2014.

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17 ROBERT J. BRYAN
18 United States District Judge
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